



Recreational Marijuana in Colorado - FAQs

To: Interested Parties

From: Office of Marijuana Coordination

June 1, 2015

The following information applies to retail marijuana, not medical use.

For the General Public

1) How old do I have to be to purchase, possess, or consume marijuana?

You must be 21 years old to purchase, possess, or use retail marijuana or marijuana products. It is illegal to give or sell retail marijuana to minors.

2) Where can I purchase marijuana or other marijuana products?

You can purchase marijuana and related products at licensed retailers approved by the Colorado Department of Revenue and the local municipality. You must present a valid Colorado ID proving you are 21 years old, so be prepared.

3) How much can I purchase from a marijuana retailer?

Colorado residents 21 years and older can purchase as much as one ounce of retail marijuana in a single transaction. Non-residents can purchase $\frac{1}{4}$ ounce.

4) Are there cafes where I can use marijuana like I've heard about in Amsterdam?

Not in Colorado. Our laws ban any public use of marijuana products. That includes eating, drinking, vaping, or smoking it anywhere the general public can go, which would include any coffee shops. However, some private clubs allow marijuana use if you pay a fee to enter and if you bring your own marijuana product to use.

5) Can I smoke or consume pot brownies while in the park with my friends?

Not in Colorado. Again, the law bans all public use of any marijuana product, not just smoking. This means it is illegal to use marijuana in amusement parks, sporting or music venues, parks, playgrounds, sidewalks, roads, marijuana retail businesses and outdoor and rooftop cafes, just to name a few. And since marijuana is still illegal federally, you cannot use on federal land: no national parks and no national forests, which includes ski slopes.

6) So where can I use marijuana?

Private property is your best bet; but again, there could be issues here. Property owners are allowed to ban the use and possession of marijuana on their properties. If you rent, you may not be able to use marijuana in your home. When using marijuana in your home, keep in mind secondhand smoke, whether from tobacco or marijuana, can be dangerous. Make your home smoke-free to limit your loved ones' exposure to secondhand smoke.

7) How much marijuana can I possess or carry around with me?

Adults ages 21 years and older can possess or carry as much as 1 ounce of retail marijuana at a time. Just don't try to use it in public! Remember, some cities are stricter, so be sure you learn what your local government allows.



8) Can I use while I am cruising around town?

Marijuana is regulated similarly to alcohol, so think of it like an open container law. Neither drivers nor passengers are allowed to open the marijuana packaging and use the product while in the car.

9) Can I get a DUI for driving while stoned?

Yes. Colorado passed a law in 2013 that makes it illegal to drive with more than 5 nanograms per milliliter of blood of delta-9-tetrahydrocannabinol (the psychoactive component of THC) in your blood.

10) What about marijuana possession for teens and young adults under age 21?

It is illegal for anyone under the age of 21 to buy, possess or use retail marijuana. Retail stores can lose their license for selling marijuana to anyone underage, and adults can be charged with a felony for giving marijuana products to someone underage. The minor can be charged as well, resulting in a fine, court-ordered education, loss of a driver's license and potential loss of scholarships or financial aid.

11) Can I grow my own product?

Adults over age 21 can purchase, possess, grow and transport as many as 6 marijuana plants, as long as it is not displayed in public and not sold. Only three of the plants can be mature at any one time. If the home has residents under the age of 21, the grow area must be enclosed and locked in a separate space that the minors cannot access.

12) Can I sell my own product?

Adults over age 21 can give as much as an ounce of marijuana to another adult over age 21, but **cannot sell it**. This includes the product you grow yourself. Only licensed growers can sell their product.

13) Now that it is legal, can I still be drug tested at work?

Despite legalization, employers can still test for marijuana and make employment decisions based on drug test results. Be sure you know your workplace policies before you use.

14) If I head to a retail marijuana business, can I bring my children in with me?

No. According to the retail marijuana rules passed by the Department of Revenue, no one under the age of 21 is allowed in the restricted portion of a retail store.

15) Are there limited hours of operation of retail marijuana businesses?

Yes. Per state rules, retail marijuana businesses can only be open between 8 a.m. and midnight. Again, your municipality may have passed stricter hours of operation, so be sure to check with local laws before you head to a retailer.

16) Can I take marijuana out of state?

No. It is illegal to leave Colorado with any marijuana products. Additionally, Denver International Airport has chosen to ban the possession, use, display and transfer (giving to another person) of all marijuana on its property.

17) What is with all the packaging?

Retail and medical marijuana businesses are now required to sell all marijuana products in packaging that is not see-through, resealable, child-resistant and includes the necessary labels and warnings. The packaging is for your protection and the protection of those in your home who may not realize that a brownie is more than it seems.

18) How will I know if a product contains marijuana?

The Department of Revenue requires that all retail marijuana products use this symbol on packaging. Teach your kids not to eat or drink anything with this symbol on the side. Additionally, adults unable to read the ingredient label (i.e. non-English speaking) can use this symbol as a warning that the product contains marijuana. This symbol is not required for medical marijuana product labels.

**19) I plan on using edibles. What is the serving size?**

The stakeholder groups that met to inform the marijuana regulations agreed that a serving size is equal to 10 mg of THC. Marijuana-infused products vary in THC concentration, so be sure to pay attention to the total number of THC milligrams in your product. If you aren't sure how marijuana will affect you, ingest less than one serving and wait at least 90 minutes and up to four hours before eating/drinking more.

20) How is marijuana taxed in Colorado?

Colorado voters passed Proposition AA in November 2013 to add a 10 percent sales tax on top of the 2.9 percent standard sales tax rate in Colorado. In addition, a 15 percent excise tax was added to the wholesale price (between cultivators and businesses).

21) How will marijuana use impact my housing situation?

If you are a renter, your landlord may choose to ban all marijuana products from the property. If the landlord makes that choice, the penalties would depend on the conditions outlined in your lease. Homeowners associations (HOAs) can choose to place similar restrictions in their HOA agreements. However, if you live in federally subsidized housing, the penalties may be more severe. Since marijuana use is still illegal federally, any marijuana use or possession charges may mean that you lose your federal housing benefits.

22) Will marijuana use impact my ability to pay for a college education?

Since marijuana use is still illegal federally, any marijuana use or possession may mean that you lose your federal financial aid opportunities. This includes Perkins Loans, Pell Grants, Supplemental Educational Opportunity Grants, PLUS Loans and Work-Study Programs. Section 484 subsection R of the Higher Education Act of 1998 states that a student with a past conviction of any controlled substance offense (which still includes marijuana) is not eligible for any of the above federal financial aid.

23) How does marijuana use impact my ability to purchase a firearm?

Though marijuana use is legal for those over the age of 21 in Colorado, it is still an illegal substance federally. When a person applies to purchase a firearm, they must complete the federal form 4473 which asks about unlawful marijuana use. Marijuana users may be rejected from purchasing a firearm since any use is still considered "unlawful" to the federal government. Lying on this form is a federal felony with a maximum sentence of 5 years.

For Licensees

1) Who is eligible to apply for a retail marijuana license?

This depends on your county or city rules on retail marijuana businesses. All applicants must demonstrate at least two years of residency in Colorado prior to applying for a license and pass criminal and credit background checks.

2) What about food safety training for making marijuana-infused product?

The state health department provides training for all food product safety. Marijuana-infused products are different since not all of the products used in marijuana grow process are approved to be used in food production. The training provided will allow those involved in making edibles learn the basics of safe food handling. The information is in line with the training provided to anyone working in the food industry. This training does not address potency, the effects of cooking or other production methods on potency or the amounts of THC within edible products.

3) Are there limited hours of operation of retail marijuana businesses?

Yes. Per state rules, retail marijuana businesses can be open only between 8 a.m. and midnight. Local jurisdictions are empowered to set their own hours of operation.

For Home Growers

1) Can I legally grow marijuana at home?

- Yes. Colorado residents 21 and older can grow as many as 6 marijuana plants per person. Only 3 plants can be mature at any one time. Marijuana plants must be kept in an enclosed locked area.
- Cities may have stricter limits or restrictions on growing, so check your local laws.
- Take extra precautions to ensure that only authorized adults have access to marijuana plants. If the home has residents under the age of 21, the grow area must be enclosed and locked in a separate space that the minors cannot access. Children and pets should be kept away from plants at all times to prevent accidental ingestion of marijuana.

2) Can I sell home-grown marijuana to others?

No. Homegrown marijuana or marijuana products may not be sold to anyone. Only licensed grow establishments can sell marijuana products.

3) Can I grow my marijuana plants outside?

Marijuana must be grown in a fully enclosed and locked space that cannot be seen openly.

4) What are the rules for growing marijuana if minors live at my home?

A new law passed in Spring 2014 requires any home with residents under the age of 21 to enclose and lock any marijuana grow area in a separate space that minors cannot access. For minors who visit, the owner is responsible for taking extra precautions to ensure that they do not have access to marijuana plants. Children and pets should be kept away from plants at all times to prevent accidental ingestion of marijuana.

5) Are there safety and health precautions that I should follow for marijuana home grows?

- Make sure a licensed electrician installs all lights and other equipment.
- To prevent mold growth, make sure the walls of your grow area do not easily absorb water (painted concrete or plastic are best).
- Make sure the growing space has plenty of ventilation to get rid of excess heat and moisture.
- Avoid the use of pesticides or fertilizers if possible.
- If pesticides or fertilizers are used, make sure they are stored in locked cabinets, out of the reach of children.
- Only use carbon dioxide generators that are safe for indoor use.
- Change clothes and shoes when leaving your indoor grow area to prevent tracking of THC and growing chemicals to other areas of your home.

For Business Owners

1) Employment Decisions

When Coloradans passed Amendment 64, they voted to give employers choices about marijuana use. Employers do not have to allow employees to use marijuana products. Employers can test employees for marijuana and other drugs. Employers can still make employment decisions based on drug test results. Consult your legal counsel to determine how your hiring and employment policies align with Amendment 64.

2) Marijuana on your Business Property

Public use of marijuana is illegal. Any **use** of marijuana on your business' property may be considered public use of marijuana. However, Amendment 64 made it legal for adults to **possess** up to an ounce of marijuana at any time. Even though possession is legal in public, businesses may choose to ban the possession of retail marijuana on their property. Business owners may implement marijuana possession and use policies that are more strict, not less, than state law. Possession of marijuana is still limited to one ounce by adults ages 21 and older.

3) Property Owners

Private property owners, including hospitals, businesses, hotels and other facilities, do not have to allow marijuana product possession or use on their properties. For example, the Denver International Airport has banned the possession, use, display and transfer (giving) of any marijuana products on its property. Rental property owners and hotels have the right to ban the possession and use of marijuana products on their properties. Again, property owners can implement marijuana possession laws that are more, not less, strict than state law.